

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:06CR3179 |
| |) | |
| V. |) | |
| |) | |
| CARLOS ISRAEL REN-XILOJ, |) | MEMORANDUM |
| |) | AND ORDER |
| |) | |
| Defendant. |) | |

The government deported the defendant knowing full well that the defendant had plead guilty and was awaiting sentencing.¹ In a rather odd and uninformative response (filing 45)² to my order requesting advice as to what I should do next, the government asks that I issue a warrant for arrest of the defendant because he will, by virtue of the deportation, fail to appear at sentencing on June 12, 2007. The government cannot have it both ways. Therefore, on my own motion and exercising the inherent power of the court,

IT IS ORDERED that this case is dismissed without prejudice due to the government's misconduct in deporting the defendant, knowing full well that he was subject to the jurisdiction of this court and awaiting sentencing. Whether the government may subsequently re-indict the defendant is an issue for later resolution should the government endeavor to do so.

May 8, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹The Probation Officer notified me that the defendant had been deported on April 30, 2007. On that date, I ordered the parties to advise me what further action should be taken. (Filing 44.)

²For the defendant's response, see filing 46.